

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

NOTE: There is one Extraordinary issue to the Official Gazette Series I No. 24 dated 9-9-1993 as follows: Extraordinary dated 9-9-1993 from pages 467 to 470, regarding Notifications from Law (Legal and Legislative Affairs) Department.

### GOVERNMENT OF GOA

Education Department

#### Notification

14/25/93-EDN

The following draft amendment which is proposed to be made to the Goa, Daman and Diu School Education Rules, 1986 is hereby pre-published as required by sub-section (1) of section 29 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985) for information of all persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Director of Education and Ex-Officio Additional Secretary to the Government of Goa, Panaji, before the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

#### DRAFT AMENDMENT

In exercise of the powers conferred by section 29 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985), the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu School Education Rules, 1984, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa School Education (Amendment) Rules, 1993.

(2) They shall come into force at once.

2. *Amendment of rule 3.*— In sub-rule (4) of rule 3 and in any other rules of the Goa, Daman and Diu School Education Rules, 1986 (hereinafter referred to as the 'principal Rules'), for the word 'Administrator', the word "Government" shall be substituted.

3. *Amendment to rule 5.*— In sub-rule (2) of rule 5 of the principal Rules, for the figure 'Xth' the figure 'XIth' shall be substituted.

4. *Amendment of rule 14.*— In rule 14 of the principal Rules, for the word 'remedial', the word 'remediable' shall be substituted.

5. *Amendment of rule 20.*— In rule 20 of the principal Rules, —

(i) for proviso to sub-rule (1), the following shall be substituted, namely:—

"Provided that the total school hours shall not exceed 1000 hours per year:

Provided further that in addition to 1000 school hours, a teacher may be required to devote not more than 200 hours in a year for remediable teaching:

Provided also that a teacher shall have eighteen hours of actual teaching workload per week and in addition the teacher may be required to devote not more than 200 hours in a year for remediable teaching."

(ii) after sub-rule (2), the following shall be substituted, namely:—

"(3) Subject to the provisions of sub-rule (1), every school shall ordinarily meet for five hours each day, exclusive of the recess, for six days in a week and impart curricular instructions for twenty five hours per week."

6. *Amendment of rule 21.*— In rule 21 of the principal Rules, —

(i) for the title, the following shall be substituted, namely:—

"School terms, Vacation and Holidays."

(ii) in sub-rule (1), after the words "in a year", the following shall be inserted, namely:—

"to be arranged in two school terms the duration of which shall be as specified by the Director of Education."

(iii) in sub-rule (2), —

(a) for clause (iii), the following shall be substituted, namely:—

"Diwali vacation at the end of the first term for a period of three weeks beginning

from such date as may be specified by the Director of Education."

(b) for clause (iv), the following shall be substituted, namely: —

"(iv) A mid-term break from 24th December to 2nd January."

(c) for clause (v), the following shall be substituted, namely: —

"(v) Summer vacation at the end of the second term for such a period of six weeks as may be specified by the Director of Education."

(d) Proviso to clause (v) shall be omitted.

7. *Amendment of rule 24.* — In the proviso to clause (a) of sub-rule (1) of rule 24 of the principal Rules, —

(i) for the figure 'X', the figure 'XII' shall be substituted; and

(ii) the words and figures "except where such students have attained the age of 16 years" shall be omitted.

8. *Amendment of rule 28.* — Rule 28 of the principal Rules shall be omitted.

9. *Amendment of rule 31.* — In rule 31 of the principal Rules, —

(i) in sub-rule (i), the words and figures "individual, association of individuals" and "his or" shall be omitted.

(ii) in sub-rule (2), —

(a) in clause (f), the words 'association of individuals' shall be omitted;

(b) in clause (g), the words "until the new school is recognised and the new Managing Committee is constituted", shall be omitted.

(c) in clause (h), —

(i) the following words and figures shall be omitted, namely: —

"Proposed", "until its recognition under the Act", and "wherever permissible"; and

(ii) after the word "recruitment", the following words shall be inserted, namely: —

"as per the Act and the Rules made thereunder."

(d) in clause (i), —

(I) the word "proposed" shall be omitted; and

(II) for the words "until the school is recognised under the Act", the following words shall be substituted, namely: —

"shall be such as laid down by the Government";

(e) in clause (j), after the words "new school", the following words shall be substituted, namely: —

"in addition to those provided in the rules."

(f) after clause (j), the following shall be inserted, namely: —

"(k) The party proposing to open a new school shall give an undertaking under section 5(1) (g) of the Act."

(iii) in sub-rule (3), for the words "person or persons", the word "party concerned" shall be substituted and in the third proviso for the word "provision", the word "proviso" shall be substituted.

10. *Amendment of rule 32.* — In rule 32 of the principal Rules, after the word "separately", the following words and figures shall be inserted, namely: —

"and shall be in consonance with the provisions of the Goa, Daman and Diu Secondary and Higher Secondary Education Board Rules, 1975."

11. *Amendment of rule 33.* — In rule 33 of the principal Rules, —

(i) the words "not being an unaided minority school" shall be omitted; and

(ii) the following shall be inserted, namely: —

"Provided that no Management shall close down a recognised school without giving a notice, in writing, at least six months in advance, to that effect, to the Director of Education and to all the employees of the School."

12. *Amendment of rule 34.* — In rule 34 of the principal Rules, —

(i) in sub-rule (1), —

(a) in clause (a), after the word "divisions", the following words shall be inserted, namely: —

"or discontinuance of any subject";

(b) the words "as far as practicable" shall be omitted;

(c) in the first proviso, the words "and the employee has not been retrenched by the management of the aided school, on any grounds other than the grounds of the closure, of school or any schools or classes of the school or withdrawal of recognition or and from the school" shall be omitted.

(ii) for sub-rule (4), the following shall be substituted, namely: —

"(4) Without prejudice to the provisions of sub-rules (1), (2) and (3), where an employee becomes surplus for any reason, such employee shall be absorbed in the first instance, as far as practicable, in such aided school as the Director of Education may specify and if the post so rendered surplus is subsequently revived or additional post is created or otherwise any vacancy arises anytime thereafter, within a period of three years, such an employee shall be absorbed in the former school, but if such re-absorption does not take place within the period of three years from the date of absorption of such employee in the original school, the services of such employee shall continue in the absorbed school."

13. *Amendment of rule 35.*—In rule 35 of the principal Rules, for the second proviso, the following shall be substituted, namely:—

“Provided further that if there is break of not more than one year for the reason beyond the control of the employee, such break may be condoned by the Government if the employee concerned applied to that effect through the Head of the school wherein he is presently working.”

14. *Amendment of rule 37.*—In clause (iii) of rule 37 of the principal Rules, the words “subject to section 14 of the Act” shall be omitted.

15. *Amendment of rule 46.*—In rule 46 of the principal Rules,—

(i) in item (v) of clause (b) of sub-rule (1), after the letter A. D. E. I., the following shall be inserted, namely:

“in Schools other than minority schools”.

(ii) sub-rule (5) shall be omitted.

16. *Amendment of rule 58.*—In sub-rule (1) of rule 58 of the principal Rules, for the words “Managing Committee”, the word “Management” shall be substituted.

17. *Amendment of rule 59.*—In rule 59 of the principal Rules, for the words “Managing Committee”, the word “Management” shall be substituted.

18. *Amendment of rule 60.*—In sub-rule (2) of rule 60 of the principal Rules,—

(i) in clause (a),—

(a) for the words “Managing Committee”, the word “Management” shall be substituted;

(b) for the words “all employees,” the word “employee” shall be substituted;

(c) the words “or a few of them” shall be omitted;

(ii) in clause (b),—

(a) after the words “due to that school”, the following shall be inserted, namely:—

“or owing to otherwise reduction or suspension of grants due to that school by the Government”;

(b) in item (i), the words “which have remained in arrears” shall be omitted.

(c) in item (iii), before the figure (ii),—

(I) the figure and words “and” shall be inserted; and

(II) the words “for payment of the school staff against their outstanding salaries and all allowances” shall be omitted.

19. *Amendment of title of Chapter VIII.*—For the title of Chapter VIII of the principal Rules, the following shall be substituted, namely:

“Recruitment and terms and conditions of service of employees of the private schools under sections 11, 12, 13 and 14 of the Act.”

20. *Amendment of rule 74.*—In rule 74 of the principal Rules,—

(i) sub-rule (1) shall be omitted;

(ii) in sub-rule (4), for the word “selection” “wherever it occurs, the words and figure “selection/promotion” shall be substituted.

(iii) in sub-rule (5), for the words “Regulate its own procedure”, the words “follow the procedure as applicable to the corresponding posts in the Government Schools” shall be substituted;

(iv) in sub-rule (6), the words “but however in the case of minority schools, the decision of Managing Committee shall be final” shall be omitted;

(v) in sub-rule (7),—

(a) for the word “recruitment” occurring therein and in any other rules, the words and figure “recruitment/promotion” shall be substituted.

(b) after the words “shall be nominated”, the following shall be inserted, namely:—

“by the Managing Committee of the School or by the Director of Education as the case may be, as provided in sub-rule (3)”.

(vi) for the second proviso, the following shall be substituted, namely:—

“Provided further that every such application shall be forwarded by the applicant through the Head of the school to the Manager who shall forward the same to the prospective employer within seven days of its receipt by the Head of the school, under intimation to the applicant well within the time stipulated by the latter towards the receipt of such application. In case the Manager fails to forward the application, the applicant may send a copy of his/her application to the prospective employer and appear directly for the interview.”

21. *Amendment of rule 76.*—In rule 76 of the principal Rules,—

(i) for the title, the following shall be substituted, namely:

“Appointing Authority and Appointments”.

(ii) for sub-rule (1), the following shall be substituted, namely:—

“(1) The Appointing authority for every employee shall be the Managing Committee subject to the approval under rule 75. The appointment of every employee of a school shall be made by the Chairman of the Managing Committee on behalf of the Managing Committee in a form to be specified by the Director of Education.”.

(iii) for sub-rule (2), the following shall be substituted, namely:—

“(2) Every appointment made by the Managing Committee of a recognised school shall initially be provisional and shall require approval of the Director of Education.”.

(iv) In sub-rule (3), the following words shall be omitted, namely:—

“the Chairman of”

22. *Amendment of rule 80.*—In rule 80 of the principal Rules,—

(i) in sub-rule (2), for the letters and words “S.S.C., D.Ed” and “matriculates”, wherever they occur, the words “trained undergraduate category teachers” shall be substituted.

(ii) in sub-rule (5),—

(a) in clause (a), for the letters and figures “more than 20 (twenty)”, the words and figures “15 or more but less than 30” shall be substituted and for the words “given by the Headmaster”, the words “made by the Head Master” shall be substituted.

(b) for clause (b), the following shall be substituted, namely:—

“(b) One post of Assistant Headmaster in addition to the one provided in clause (a) when the number of divisions are thirty and above;”.

(c) The Note below clause (c) shall be omitted.

23. *Amendment of rule 83.*—In rule 83 of the Principal Rules,—

(i) for sub-rule (1), the following shall be substituted, namely:—

“(1) Every employee shall on initial employment to a regular vacancy, be on probation for a period of one year and the services of an employee may be terminated with one month's notice or with one month's salary and allowances in lieu of notice during the period of probation if the work and the conduct of the employee, during the said period is not, in the opinion of the appointing authority, satisfactory”.

(i) (a) In the proviso,—

(a) the words “non-minority” shall be omitted;

(b) after the word “school” and before the word “except”, the words “other than unaided minority schools” shall be inserted.

(ii) in sub-rule (2),—

(a) the word “or the extended period of probation as the case may be” shall be omitted.

(b) in the proviso, for the figure and word “2 years,” the figure and word “1 year” shall be substituted.

(c) after the first proviso, the following proviso shall be inserted, namely:—

(iii) “Provided further, that, it shall be the responsibility of the Management to provide liberal facilities to the probationer for training such as facilities for applying for the grant of extension of services, forwarding to the Director of Education the application for such an extension made by the probationer, forwarding his/her application to the training institute or institutes,

issuing necessary certificate, granting leave as admissible for the period of training, etc.”.

24. *Amendment of rule 84.*—In sub-rule (2) of rule 84 of the principal Rules, after the words “members of municipalities”, the following words shall be inserted, namely:—

“or of Gram Panchayats”

25. *Amendment of rule 86.*—After sub-rule (1) of rule 86, of the principal Rules, the following shall be inserted, namely:—

“Provided that the claim of any employee already working under the said Management in the Undergraduate category possessing the requisite qualifications for the direct recruit shall be given due consideration prior to filling up the post with direct recruitment:

Provided further that the claim of an employee, if any, serving in a temporary vacancy in the school or in any other school under the same Management, to the said vacancy, shall be duly considered prior to filling the vacancy by direct recruitment, subject to condition that the employee possesses the requisite qualification for the post”.

26. *Amendment of rule 90.*—In rule 90 of the principal Rules,—

(i) in sub-rule (2), the words “Chairman of” shall be omitted;

(ii) in sub-rule (5),—

(a) for the words “an aided”, the letter and the word “a recognised” shall be substituted;

(b) for the words and figure “Dy. Education Officer of the Zone/District and the Dy. Education Officer”, the words “Director of Education and the Director of Education”, shall be substituted;

(c) after sub-rule (5), the following shall be inserted, namely:—

“Provided that every such appeal shall be forwarded by the appellant through the Manager who shall forward the same to the Director of Education within seven days of its receipt and in any case within such time so as to reach the Director of Education, within the stipulated period:

Provided further that the Manager shall endorse and make available a copy of his letter forwarding the appeal to the Director of Education and simultaneously, to the appellant, failing which he may file his appeal directly to the Director of Education.”.

27. *Amendment of rule 92.*—In rule 92 of the Principal Rules,—

(i) in sub-rule (1), the words “the Chairman of” shall be omitted.

(i) (a) in clause (e) of sub-rule (1), after the word “with” and before the word “misbehaviour”, the word “gross” shall be inserted.

(ii) in proviso for the sub-rule (2),—

(a) the words "in case of non-minority schools" shall be omitted;

(b) after the words "revoke the order of suspension", the following shall be inserted, namely:—

"after giving the Managing Committee of the school, reasonable opportunity of showing cause against the proposed actions".

(c) after sub-rule (2), the following shall be inserted, namely:—

(3) "if any doubt arises with regard to the application of the provision of this rule, the same shall be resolved in accordance with the orders issued by the Government in respect of its employees of corresponding status."

28. *Amendment of rule 93.*—In rule 93 of the Principal Rules,—

(i) in clause (c) of sub-rule (1),—

(a) for the word "certificate", the words "solemn declaration" shall be substituted;

(b) for the words "and he regularly gives attendance to a station prescribed by the Chairman of the Managing Committee, on all working days, and he shall not leave the headquarter without the permission of the Chairman", following words shall be substituted, namely:

"and he/she shall not leave the headquarters without the permission of the Chairman".

(ii) in sub-rule (4), after the word "acquittal" and before the word "salaries", the following words shall be inserted, namely:—

"or where suspension is revoked or the suspension order is otherwise annulled."

29. *Amendment of rule 94.*—In rule 94 of the principal Rules,—

(i) in item (iii) of clause (b) of sub-rule (1), the words "in any other recognised private school" shall be omitted.

(ii) for sub-rule (2), the following shall be substituted, namely:—

"The Managing Committee shall be the disciplinary authority for all employees of a recognised private school whether aided or not."

(iii) after sub-rule (2), the following shall be inserted, namely:—

"(3) In case of doubts regarding the interpretation, the penalties, their imposition, functioning of the disciplinary authority, etc., the detailed instructions and interpretation given by the Government in that behalf, in respect of Government Servants of corresponding status shall be followed."

30. *Amendment of rule 95.*—In rule 95 of the principal Rules,—

(i) for the heading, the following shall be substituted, namely,—

"Authority to impose penalties and/or to institute disciplinary proceedings."

(ii) for sub-rule (1), the following shall be substituted, namely:—

"(1) The Managing Committee being the disciplinary authority shall be competent to impose any of the minor penalties prescribed under rule 94(1), as per the procedure laid down in rule 96."

(iii) for sub-rule (2), the following shall be substituted, namely:—

"(2) The disciplinary Authority as specified under rule 94, shall be competent to institute disciplinary proceedings as per the procedure laid down under rule 97, against any employee for the imposition of any of the major penalties specified under rule 94(1)(b) but shall not be competent to impose any of the major penalties except with prior approval of the Director of Education and subject to provisions of section 22 of the Act."

31. *Amendment of rule 96.*—In rule 96 of the principal Rules,—

(i) after the words "an opportunity to make any representation", and before the words "against the proposed action", the following words shall be inserted, namely:—

"to the Disciplinary Authority";

(ii) after rule 96, the following shall be inserted, namely:—

"Provided that any employee of a recognised private school, who is aggrieved by any order imposing on him any such penalty, may within 30 days from the date of receipt by him of such an order, prefer an appeal to the Director of Education, through proper channel as laid down in rule 90(5)."

32. *Amendment of rule 97.* — In rule 97 of the principal Rules, —

(i) for sub-rule (1), the following shall be submitted, namely: —

“(1) The procedure for imposing penalties specified in rule 94(1) (b), shall be as applicable to the Government employees of the corresponding status:

Provided that notwithstanding anything contained in the rules applicable to Government employees of corresponding status, the enquiry into such charges as are not admitted by the employee shall be, made by an Inquiry Officer appointed for the purpose by the Disciplinary Authority.”

(ii) in sub-rule (1), for the proviso, the following shall be substituted, namely: —

“Provided that the Director of Education, may, if found necessary, bear both the parties concerned, before granting/refusing his approval:

Provided further that where any, of the major penalties has been imposed on any employee in violation of the provisions of the Act or the rules made thereunder, and where the same has been brought to the notice of the Director of Education, the Director of Education shall revoke the penalty imposed after giving reasonable opportunity to the Disciplinary Authority of showing cause against the proposed action and order that the employee be reinstated in service/and/or be restored in all respects, to his original position prior to the imposition of such penalty.”

33. *Amendment of rule 98.* — In rule 98 of the principal Rules, —

(i) for sub-rule (1), the following shall be substituted, namely: —

“(1) When an employee who has been dismissed, removed or compulsorily retired from service or reduced in rank or whose service is otherwise terminated, is re-instated or restored to his original rank or position as a result of appeal or the decision of the Director of Education under sub-rule (2) of rule 97 or would have been so reinstated but for his retirement on superannuation while under suspension preceding the dismissal, removal or compulsory retirement, as the case may be, the Disciplinary Authority shall consider forthwith and make specific order.”

(i) (a) in clause (a), —

(a) for the words “with regard to”, the words “for the payment of” shall be substituted.

(b) the words “to be paid” shall be omitted.

(i) (b) “for clause (b), the following shall be substituted, namely: —

(b) “that the said period of absence shall be treated as the period spent on duty.”

(ii) in sub-rule (2), —

(a) the words “Disciplinary Authority is of the opinion that” shall be omitted.

(b) for the words “fully exonerated”, the word “exonerate” shall be substituted.

(c) the words “or suspended prior to such dismissal, removal or compulsory retirement from service” shall be omitted.

(d) after the proviso, the following shall be inserted, namely: —

“Provided further that the employee, if aggrieved by the decision of the Disciplinary Authority, may, within 30 days from the date of receipt by him of such a decision, prefer an appeal to the Director of Education through proper channel as laid down in the sub-rule (5) of rule 90.”

34. *Amendment of title of Chapter IX.* — For the title of Chapter IX of the principal Rules, the following shall be substituted, namely: —

“Code of conduct for Head of Schools, Teachers and other Employees.”

35. *Amendment of rule 99.* — The proviso to rule 99 of the principal Rules, shall be omitted.

36. *Amendment of rule 100.* — In rule 100 of the principal Rules, —

(i) in sub-rule (1), the words “including aided minority schools” shall be omitted.

(i) (a) in clause (a), —

(a) in item (i), the following words shall be omitted, namely: —

“teaching and non-teaching”

“Management”

“or his representative”

(b) for the word “Directorate”, the word “Director” shall be substituted.

(c) in the Explanation, for the word “Teaching”, the word “Teacher’s” shall be substituted.

(d) in item (xiii), the existing para (B) under Explanation shall be omitted.

(i) (b) in item (iii) of clause (b), for the words "and the Management", the following shall be substituted, namely "or Manager as the case may be."

37. *Amendment of rules 104 to 131.*—The rules 104 to 131 of the principal Rules shall be omitted.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Education).  
Panaji, 6th July, 1993.

### Social Welfare Department

#### Notification

7-14-91-Prov

In exercise of the powers vested under Legislative Diploma No. 1984 dated 14-4-1960, the Government of Goa is pleased to make the following rules regulating the Recruitment of persons to Group 'B' and Group 'C' posts in the Institute of Public Assistance (Providoria), Panaji.

1. *Short title.*—These rules may be called the Institute of Public Assistance (Providoria) Recruitment Rules, 1993.

2. *Application.*—These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. *Definitions.*—In these rules unless the context otherwise requires:—

- a) 'Institute' means the Institute of Public Assistance (Providoria) with headquarters at Panaji.
- b) 'Secretary' means Secretary to the Government of Goa in charge of Institute of Public Assistance.
- c) 'Director' means Director of the Institute of Public Assistance.
- d) 'An employee' means any person appointed to the post mentioned in the attached schedule.
- e) 'Government' means the Government of Goa.

4. *Number, Classification and scale of Pay.*—The number of posts, classification of the said posts and the scale of pay attached thereto shall be specified in columns 2 to 4 of the said schedule.

5. *Method of recruitment, age and other qualifications.*—The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 12 of the aforesaid schedule:

Provided that, (a) the maximum age limit specified in the schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to Scheduled Castes/Scheduled Tribes and such other communities as specified by the Government from time to time.

6. *Probation.*—Every person appointed to or promoted in the Institute services will ordinarily be on probation for a period of 2 years and this period may be extended for a suitable period to be determined by the Director. The services of an employee on probation can be terminated with one month's notice, if the employee's work and/or conduct are found to be unsatisfactory by the Government/Director. An employee promoted from a lower grade to a higher grade will be liable to be reverted without notice at any time within one year from such promotion if his work and/or conduct are found to be unsatisfactory.

7. *Transfer.*—The Director will be empowered to effect transfers of the employees appointed against Group III post mentioned in the schedule, and/or if he is not satisfied with the working of the employee, from the Public Assistance to other Institutions under its control or vice-versa, and from one Institution to another.

8. *Selection Committee.*—The Selection Committee shall consist of (1) Director, (2) Under Secretary in-charge of Providoria; and (3) Joint Director of Accounts (Providoria) or Administrative-cum-Accounts Officer. The Selection Committee should also function as Promotion Committee.

9. *Saving.*—Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

10. *Power to relax.*—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules in respect of any category of persons posts specified in the Schedule.

11. *Effect of the rules.*—These rules are subject to modification by the Government and shall come into force with effect from the date of their publication in the Official Gazette.

By order and in the name of the Governor of Goa.

E. Silveira, Under Secretary to the Government of Goa, Social Welfare.

Panaji, 11th March, 1993.



## SCHEDULE

Name/ Designation of post	Number of posts	Classi- fication	Scale of Pay	Whether Selection post or non- Selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissi- ble under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & edu- cational qualifica- tions pres- cribed for the direct recruits will apply in the case of promotees	Period of pro- bation if any	Method of recruitment whe- ther by direct recruitment or by promotion or by deputation/trans- fer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputa- tion/transfer, grades from which promo- tion/deputation/ transfer is to be made	If a D.P.C. exists, what is its com- position	Circums- tances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
1. Princi- pal for Sanjay School	One post	Gazetted Group 'B'	Rs. 2000- 60-2300- -EB-75- -3200- 100-3500	Selec- tion post	35 years or below (Relaxa- ble for Govt. servants in accor- danc with the instruc- tions or orders issued by the Go- vernment)	No	<i>Essential:</i>  1. Graduate of a re- cognised university in English Medium.  2. Degree of a re- cognised University in teaching hearing impaired or men- tally retarded in English medium.  3. Administrative experience of atleast five years in a similar institution  <i>Desirable:</i>  1. Five years expe- rience in teaching hearing impaired or mentally retarded.  2. Knowledge of Konkani/Marathi.	Qualifi- cation Yes Age No	Two years	By direct re- cruitment failing which by promotion	Teachers for hearing impaired/mentally retarded/Speech Theraphist	1. Secre- tary (Pro- vedo- ria) -Chair- man  2. Direc- tor (Pro- vedo- ria) -Mem- ber.  3. Joint Secre- tary (Per- son- nel)- -Mem- ber.	N. A.
2. Speech Thera- pist	One post	Group 'C' Non- Gazetted	Rs. 1400- 40-1800- -EB-50- -2300	Selec- tion post	35 years or below (Relaxa- ble for Govt. ser- vants in accord- ance with the ins- tructions or orders issued by the Govt.)	No	<i>Essential:</i>  1. Degree of a recog- nised University in English Medium.  2. Degree/Diploma in Speech Therapy Science in English Medium.  <i>Desirable:</i>  1. Knowledge in Konkani/Marathi.	N. A.	Two years	By direct re- cruitment	N. A.	1. Direc- tor  2. Under Secre- tary in charge of Ad- minis- trative De- part- ment.	N. A.



3. Teachers for Mentally Retarded	Two posts	Group 'C' Non-Gazetted	Rs. 1400-40-1800-EB-50-2300	Selection Post	35 years or below (Relaxable for Govt. servants in accordance with the instructions or orders issued by the Government).	NO	2. Experience in Speech Therapy for two years.	<i>Essential:</i>	N. A.	Two years	By direct recruitment	N. A.	3. Joint Director of Accounts/Admn.-cum-Accounts Officer.
4. Teacher for Hearing Impaired	Four posts	Group "C" Non-Gazetted posts	Rs. 1200-30-1560-EB-40-2040	Selection post	35 years or below (Relaxable for Government in accordance with the instructions or orders issued by the Government).		<i>Essential:</i> 1. Graduate of a Recognised University in English Medium 2. Recognised Diploma Course in teaching Mentally Retarded children in English Medium <i>Desirable:</i> 1. Knowledge of Konkani/Marathi 2. Teaching Experience of Mentally retarded children for two years. 3. Diploma in Education (2 years Course) in English Medium.	<i>Essential:</i>	N. A.	Two years	By direct recruitment	N. A.	1. Director 2. Under Secretary in charge of Administrative Department 3. Joint Director of Accounts/Admn.-cum-Accounts Officer.
							<i>Desirable:</i> 1. Knowledge of Konkani/Marathi. 2. Diploma in Education (2 years Course) in English Medium. 3. Experience in teaching hearing impaired for two years.	<i>Desirable:</i>					— do —

## Law (Legal and Legislative Affairs) Department

## Notification

10-2-92/LA(Part)

The Consumer Protection (Amendment) Ordinance, 1993 (No. 24 of 1993) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 18-6-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 20th July, 1993.

MINISTRY OF LAW, JUSTICE AND  
COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 18th June, 1993/

/Jyaistha 28, 1915 (Saka)

THE CONSUMER PROTECTION (AMENDMENT)  
ORDINANCE, 1993

No. 24 of 1993

Promulgated by the President in the Forty-fourth Year of the Republic of India.

An Ordinance further to amend the Consumer Protection Act, 1986.

Whereas a Bill further to amend the Consumer Protection Act, 1986, has been introduced in Parliament but has not yet been passed.

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the Bill;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Consumer Protection (Amendment) Ordinance, 1993.

(2) It shall come into force at once.

2. *Amendment of section 2.*—In section 2 of the Consumer Protection Act, 1986 (hereinafter referred to as the principal Act), in sub-section (1),—

(1) for clause (a), the following clause shall be substituted, namely:—

(a) “appropriate laboratory” means a laboratory or organisation—

(i) recognised by the Central Government;

(ii) recognised by a State Government, subject to such guidelines as may be prescribed by the Central Government in this behalf; or

(iii) any such laboratory or organisation established by or under any law for the time being in force, which is maintained, financed or aided by the Central Government or a State Government for carrying out analysis or test of any goods with a view to determining whether such goods suffer from any defect;

(2) after clause (a), the following clause shall be inserted, namely:—

“(aa) “branch office” means—

(i) any establishment described as a branch by the opposite party; or

(ii) any establishment carrying on either the same or substantially the same activity as that carried on by the head office of the establishment;”;

(3) in clause (b), after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iv) one or more consumers, where there are numerous consumers having the same interest;”;

(4) in clause (c),

(A) for sub-clause (i), the following sub-clause shall be substituted, namely:—

“(i) an unfair trade practice or a restrictive trade practice has been adopted by any trader;”;

(B) in sub-clause (ii), for the words “the goods mentioned in the company”, the words “the goods bought by him or agreed to be bought by him” shall be substituted;

(C) in sub-clause (iii), for the words “the services mentioned in the complaint”, the words “the services hired or availed of or agreed to be hired or availed of by him” shall be substituted;

(D) after sub-clause (iv), the following sub-clause shall be inserted, namely:—

“(v) goods which will be hazardous to life and safety when used, are being offered for sale to the public in contravention of the provisions of any law for the time being in force requiring traders to display information in regard to the contents, manner and effect of use of such goods.”;

(5) in clause (d),—

(A) in sub-clause (ii), for the word “hires”, in both the places where it occurs, the words “hires or avails of” shall be substituted;

(B) after sub-clause (ii), the following *Explanation* shall be inserted at the end, namely:—

*Explanation.*—For the purposes of sub-clause (i), “commercial purpose” does not include use by a consumer of goods bought and used by him exclusively for the purpose of earning his livelihood, by means of self-employment;”;

(6) in clause (f), after the words "for the time being in force or", the words "under any contract, express or implied, or" shall be inserted;

(7) after clause (j), the following clause shall be inserted, namely:—

'(jj) "member" includes the President and a member of the National Commission or a State Commission or a District Forum, as the case may be;'

(8) after clause (n), the following clause shall be inserted, namely:—

'(nn) "restrictive trade practice" means any trade practice which requires a consumer to buy, hire or avail of any goods or, as the case may be, services as a condition precedent for buying, hiring or availing of other goods or services;'

(9) in clause (o), after the words "board or lodging or both," the words "housing construction," shall be inserted;

(10) for clause (r), the following clause shall be substituted, namely:—

'(r) "unfair trade practice" means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or unfair or deceptive practice including any of the following practices, namely:—

(1) the practice of making any statement, whether orally or in writing or by visible representation which,—

(i) falsely represents that the goods are of a particular standard, quality, quantity, grade, composition, style or model;

(ii) falsely represents that the services are of a particular standard, quality or grade;

(iii) falsely represents any re-built second-hand, renovated, reconditioned or old goods as new goods;

(iv) represents that the goods or services have sponsorship, approval, performance, characteristics, accessories, uses or benefits which such goods or services do not have;

(v) represents that the seller or the supplier has a sponsorship or approval or affiliation which such seller or supplier does not have;

(vi) makes a false or misleading representation concerning the need for, or the usefulness of, any goods or services;

(vii) gives to the public any warranty or guarantee of the performance, efficacy or length of life of a product or of any goods that is not based on an adequate or proper test thereof;

Provided that where a defence is raised to the effect that such warranty or gua-

rantee is based on adequate or proper test the burden of proof of such defence shall lie on the person raising such defence;

(viii) makes to the public a representation in a form that purports to be—

(i) a warranty or guarantee of a product or of any goods or services; or

(ii) a promise to replace, maintain or repair an article or any part thereof or to repeat or continue a service until it has achieved a specified result,

if such purported warranty or guarantee or promise is materially misleading or there is no reasonable prospect that such warranty, guarantee or promise will be carried out;

(ix) materially misleads the public concerning the price at which a product or like products or goods or services, have been or are, ordinarily sold or provided and, for this purpose, a representation as to price shall be deemed to refer to the price at which the product or goods or services has or have been sold by seller or provided by suppliers generally in the relevant market unless it is clearly specified to be the price at which the product has been sold or services have been provided by the person by whom or on whose behalf the representation is made;

(x) gives false or misleading facts disparaging the goods, services or trade of another person.

*Explanation.*—For the purposes of clause (1), a statement that is—

(a) expressed on an article offered or displayed for sale, or on its wrapper or container; or

(b) expressed on anything attached to, inserted in, or accompanying an article offered or displayed for sale, or on anything on which the article is mounted for display or sale; or

(c) contained in or on anything that is sold, sent, delivered, transmitted or in any other manner whatsoever made available to a member of the public,

shall be deemed to be a statement made to the public by, and only by, the person who had caused the statement to be so expressed, made or contained;

(2) permits the publication of any advertisement whether in any newspaper or otherwise, for the sale or supply at a bargain price of goods or services that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are, reasonable, having regard to the nature of the market in which the business is carried on, the nature and size of business and the nature of the advertisement.

*Explanation.*—For the purposes of clause (2), “bargaining price” means—

(a) a price that is stated in any advertisement to be a bargain price, by reference to an ordinary price or otherwise, or

(b) a price that a person who reads, hears or sees the advertisement, would reasonably understand to be a bargain price having regard to the prices at which the product advertised or like products are ordinarily sold;

(3) permits—

(a) the offering of gifts, prizes or other items with the intention of not providing them as offered or creating impression that something is being given or offered free of charge when it is fully or partly covered by the amount charged in the transaction as a whole;

(b) the conduct of any contest, lottery, game of chance or skill, for the purpose of promoting, directly or indirectly, the sale, use or supply of any product or any business interest;

(4) permits the sale or supply of goods intended to be used, or are of a kind likely to be used, by consumers, knowing or having reason to believe that the goods do not comply with the standards prescribed by competent authority relating to performance, composition, contents, design, constructions, finishing or packaging as are necessary to prevent or reduce the risk of injury to the person using the goods;

(5) permits the hoarding or destruction of goods, or refuses to sell the goods or to make them available for sale or to provide any service, if such hoarding or destruction or refusal raises or tends to raise or is intended to raise, the cost of those or other similar goods or services.

3. *Amendment of section 4.*—In section 4 of the principal Act, in sub-section (2), in clause (a), for the words “the Department of Food and Civil Supplies”, the words “consumer affairs” shall be substituted.

4. *Amendment of section 5.*—In section 5 of the principal Act, in sub-section (1), for the words “not less than three meetings”, the words “at least one meeting” shall be substituted;

5. *Amendment of section 6.*—In section 6 of the principal Act,—

(i) in clause (a), after the word “goods”, the words “and services” shall be inserted;

(ii) in clause (b), after the word “goods” the words “or services, as the case may be,” shall be inserted;

(iii) in clause (c), after the word “goods”, the words “and services” shall be inserted;

(iv) in clause (e) after the words “unfair trade practices”, the words “or restrictive trade practices” shall be inserted.

6. *Amendment of section 7.*—In section 7 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) the State Council shall consist of the following members, namely:—

(a) the Minister incharge of consumer affairs in the State Government who shall be its Chairman;

(b) such number of other official or non-official members representing such interests as may be prescribed by the State Government.

(3) The State Council shall meet as and when necessary but not less than two meetings shall be held every year.

(4) The State Council shall meet at such time and place as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed by the State Government.”

7. *Amendment of section 9.*—In section 9 of the principal Act,—

(1) in clause (a),—

(i) the words “with the prior approval of the Central Government” shall be omitted;

(ii) the following proviso shall be inserted at the end, namely:—

“Provided that the State Government may, if it deems fit, establish more than one District Forum in a district.”;

(2) in clause (b), the words “with the prior approval of the Central Government” shall be omitted.

8. *Amendment of section 10.*—In section 10 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Each District Forum shall consist of,—

(a) a person who is, or who has been, or is qualified to be, a district Judge, who shall be its President;

(b) two other members, shall be persons of ability, integrity and standing, and have adequate knowledge or experience of, or have shown capacity in dealing with, problems relating to economics, law, commerce, accountancy, industry, public affairs or administration, one of whom shall be a woman.”

(2) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Every appointment under sub-section (1) shall be made by the State Government on the recommendation of a selection committee consisting of the following, namely:—

(i) the President of the State Commission—Chairman,

(ii) Secretary, Law Department of the State—Member,

(iii) Secretary incharge of the Department dealing with consumer affairs in the State — Member.”

9. *Amendment of section 11.* — In section 11 of the principal Act, —

(1) in sub-section (1), for the words “is less than rupees one lakh”, the words “does not exceed rupees five lakh” shall be substituted;

(2) in sub-section (2), —

(i) in clause (a), for the words “carries on business or”, the words “carries on business or has a branch office or” shall be substituted;

(ii) in clause (b), —

(A) for the words “carries on business”, the words “carries on business or has a branch office” shall be substituted.

(B) for the words “carry on business”, the words “carry on business or have a branch office” shall be substituted.

10. *Substitution of new section for section 12.* — For section 12 of the principal Act, the following section shall be substituted, namely: —

‘12. *Manner in which complaint shall be made.* — A complaint in relation to any goods sold or delivered or agreed to be sold or delivered or any service provided or agreed to be provided may be filed with a District Forum, by —

(a) the consumer to whom such goods are sold or delivered or agreed to be sold or delivered or such service provided or agreed to be provided;

(b) any recognised consumer association whether the consumer to whom the goods sold or delivered or agreed to be sold or delivered or service provided or agreed to be provided is a member of such association or not;

(c) one or more consumers, where there are numerous consumers having the same interest, with the permission of the District Forum, on behalf of, or for the benefit of, all consumers so interested; or

(d) the Central or the State Government.

*Explanation.* — For the purposes of this section, “recognised consumer association” means any voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force.’

11. *Amendment of section 13.* — In section 13 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely: —

“(6) Where the complainant is a consumer referred to in sub-clause (iv) of clause (b) of sub-section (1) of section 2, the provisions of rule 8 of Order I of the First Schedule to the Code of Civil Procedure, 1908 shall apply subject to the modification that

1 of 1956.

5 of 1908.

every reference therein to a suit or decree shall be construed as a reference to a complaint or the order of the District Forum thereon.”

12. *Amendment of section 14.* — In section 14 of the principal Act, in sub-section (1), —

(i) in the opening portion, for the word “take”, the word “do” shall be substituted;

(ii) after clause (d), the following clauses shall be inserted, namely: —

“(e) to remove the defects or deficiencies in the services in question;

(f) to discontinue the unfair trade practice or the restrictive trade practice or not to repeat them;

(g) not to offer the hazardous goods for sale;

(h) to withdraw the hazardous goods from being offered for sale;

(i) to provide for adequate costs to parties.”

13. *Amendment of section 16.* — In section 16 of the principal Act, in sub-section (1), —

(i) in clause (a), the following proviso shall be inserted at the end, namely: —

“Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of the High Court;”;

(ii) after clause (b), for the proviso the following proviso shall be substituted, namely: —

“Provided that every appointment made under this clause shall be made by the State Government on the recommendation of a selection committee consisting of the following, namely: —

(i) President of the State Commission — Chairman.

(ii) Secretary of the Law Department of the State — Member,

(iii) Secretary, incharge of Department dealing with consumer affairs in the State — Member.”;

(iii) in sub-section (2), the brackets and words “(including tenure of office)” shall be omitted;

(iv) after sub-section (2), the following sub-section shall be inserted, namely: —

“(3) Every member of the State Commission shall hold Office for a term of five years or up to the age of sixty-seven years, whichever is earlier and shall not be eligible for re-appointment.

(4) Notwithstanding anything contained in sub-section (3), a person appointed as a President or a member before the commencement of the Consumer Protection (Amendment) Ordinance, 1993, shall continue to hold such office as president or member, as the case may be, till the completion of his term.”

14. *Amendment of section 17.* — In section 17 of the principal Act, in clause (a), in sub-clause (i), for the words "one lakh but does not exceed rupees ten lakhs", the words "five lakhs but does not exceed rupees twenty lakhs" shall be substituted.

15. *Amendment of section 18.* — In section 18 of the principal Act, for the words and figures "The procedure specified in sections 12, 13 and 14 and under the rules made thereunder", the words and figures "The provisions of sections 12, 13 and 14 and the rules made thereunder" shall be substituted.

16. *Amendment of section 20.* — In section 20 of the principal Act, —

(i) in sub-section (1), —

(A) in clause (a), the following proviso shall be inserted at the end, namely: —

"Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of India;"

(B) after clause (b), for the proviso, the following proviso shall be substituted, namely: —

"Provided that every appointment under this clause shall be made by the Central Government on the recommendation of a selection committee consisting of the following, namely: —

(a) a person who is a Judge of the Supreme Court, to be nominated by the Chief Justice of India — Chairman,

(b) the Secretary in the Department of Legal Affairs in the Government of India — Member,

(c) Secretary of the Department dealing with consumer affairs in the Government of India — Member."

(i) in sub-section (2), the brackets and words "(including tenure of office)" shall be omitted;

(iii) after sub-section (2), the following sub-sections shall be inserted, namely: —

"(3) Every member of the National Commission shall hold office for a term of five years or up to the age of seventy years, whichever is earlier and shall not be eligible for re-appointment.

(4) Notwithstanding anything contained in sub-section (3), a person appointed as a President or a member before the commencement of the Consumer Protection (Amendment) Ordinance, 1993, shall continue to hold such office as President or member, as the case may be, till the completion of his term."

17. *Amendment of section 21.* — In section 21 of the principal Act, in clause (a), in sub-clause (i), for the words "ten lakhs", the words "twenty lakhs" shall be substituted.

18. *Substitution of new section for section 22.* — For section 22 of the principal Act, the following section shall be substituted, namely: —

"22. *Power of and procedure applicable to the National Commission.* — The National Commis-

sion shall, in the disposal of any complaints or any proceedings before it, have —

(a) the powers of a civil court as specified in sub-section (4), (5) and (6) of section 13;

(b) the power to issue an order to the opposite party directing him to do any one or more of the things referred to in clause (a) to (i) of sub-section (1) of section 14;

and follow such procedure as may be prescribed by the Central Government."

19. *Insertion of new sections 24A and 24B.* — After section 24 of the principal Act, the following sections shall be inserted, namely: —

"24A. *Limitation period.* — (1) The District Forum, the State Commission or the National Commission shall not admit a complaint unless it is filed within one year from the date on which the cause of action has arisen.

(2) Notwithstanding anything contained in sub-section (1), a complaint may be entertained after the period specified in sub-section (1), if the complaint satisfies the District Forum, the State Commissioner or the National Commission, as the case may be, that he had sufficient cause for not filing the complaint within such period:

Provided that no such complaint shall be entertained unless the District Forum, the State Commission or the National Commission, as the case may be, records its reasons for condoning such delay.

24B. *Administrative control.* — (1) The National Commission shall have administrative control over all the State Commissions in the following matters, namely: —

(i) calling for periodical returns regarding the institution, disposal, pendency of cases;

(ii) issuance of instructions regarding adoption of uniform procedure in the hearing of matters, prior service of copies of documents produced by one party to the opposite parties, furnishing of English translation of judgements written in any language, speedy grant of copies of documents;

(iii) generally overseeing the functioning of the State Commissions or the District Fora to ensure that the objects and purposes of the Act are best served without in any way interfering with their quasi-judicial freedom.

(2) The State Commission shall have administrative control over all the District Fora within its jurisdiction in all matters referred to in sub-section (1)."

20. *Substitution of new section for section 26.* — For section 26 of the principal Act, the following section shall be substituted, namely: —

"26. *Dismissal of frivolous or vexatious complaints.* — Where a complaint instituted before the District Forum, the State Commission or the National Commission, as the case may be, is found to be frivolous or vexatious, it shall, for reasons to be recorded in writing, dismiss the

complaint and make an order that the complainant shall pay to the opposite party such cost, not exceeding ten thousand rupees, as may be specified in the order."

21. *Amendment of section 27.* — In section 27 of the principal Act, —

(a) after the words "against whom a complaint is made", the words "or the complainant" shall be inserted;

(b) after the words "such trader or person", the words "or complainant" shall be inserted.

22. *Amendment of section 30.* — In section 30 of the principal Act, —

(a) in sub-section (1), after the words "the provisions contained in", the words, brackets,

letter and figures "clause (a) of sub-section (1) of section 2" shall be inserted;

(b) in sub-section (2), after the words "the provisions contained in", the words, brackets, letter and figures "clause (b) of sub-section (2) and sub-section (4) of section 7" shall be inserted.

SHANKER DAYAL SHARMA,  
*President.*

A. C. C. UNNI,  
*Additional Secretary to the Govt. of India.*